

# ATTACHMENT 94

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL ROBOT ) Lead Case No.:  
ANTITRUST LITIGATION, ) 3:21-cv-03825-VC

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THIS DOCUMENT RELATES TO: )  
ALL CASES )  
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SURGICAL INSTRUMENT SERVICE )  
COMPANY, INC., ) Case No.  
 ) 3:21-cv-03496-VC

Plaintiff, )

vs. )

INTUITIVE SURGICAL, INC., )

Defendant. )  
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\*\*\*HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY\*\*\*

REMOTE PROCEEDINGS OF THE  
DEPOSITION OF STAN HAMILTON  
FRIDAY, NOVEMBER 4, 2022

REPORTED BY NANCY J. MARTIN  
CSR. NO. 9504, RMR, RPR  
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1 know the context of the deposition. Other than that,  
2 I haven't -- you know, I haven't looked at the  
3 documents. Actually, I just took them out of the  
4 mailbox, and I see it says not to look at them. So I  
5 guess that's okay. But not a lot of additional  
6 preparation.

7 Q. Is it fair to say that until now, Rebotix --  
8 well, let me just say this. I know you've been  
9 deposed twice in the Rebotix case, and I'm going to  
10 try not to cover a lot of that same ground, keep this  
11 brief and pointed. So I just wanted to let you know  
12 that up front.

13 Is it fair to say that up until now, Rebotix  
14 has only repaired S and Si endoWrists?

15 MR. ERWIG: Objection.

16 BY MR. CORRIGAN:

17 Q. You're allowed to answer.

18 A. Okay.

19 Q. Thanks.

20 A. Yes.

21 Q. And when I say, "repair," do you understand  
22 "repair" to include the resetting of the usage  
23 counter?

24 A. Yes.

25 Q. Okay. Now, does at any time Rebotix intend

1 to repair X and Xi endoWrists in the future?

2 A. Yes, either repair or refurbish. It depends  
3 on how you interpret those terms, which are not so  
4 clearly defined, but yes.

5 Q. Yes, I agree they're not so clearly defined.  
6 When I use "repair," do you understand that to mean  
7 the repair is including the resetting of the usage  
8 counter?

9 A. Yes.

10 Q. Thank you. I want to ask you a few questions  
11 about steps that Rebotix has taken in order to get  
12 into the business of repairing X and Xi chips. Is  
13 that okay? I'm sorry. X and Xi endoWrists.

14 Is that okay?

15 A. Yes.

16 Q. What background and experience does Rebotix  
17 have in connection with the business of repairing X  
18 and Xi endoWrists?

19 A. I would say that they draw on the same pool  
20 in the extensive experience that has been drawn on by  
21 Rebotix in the past for the S and Si since the  
22 majority of the process is very similar. We pull  
23 together a great deal of expertise to develop that  
24 process. And so that same expertise is available to  
25 the team also for Xi.

1           Q. What affirmative actions has Rebotix taken to  
2 engage in the business of repairing X and Xi  
3 endoWrists?

4           A. There was a term there. Maybe you can  
5 clarify it for me. It's not a common term. I think  
6 you said what kind of actions? I'm sorry.

7           Q. I said, "affirmative." It's kind of a legal  
8 action, but we can just get rid of that.

9                       What actions have you taken in order to  
10 prepare to enter the business of repairing X and Xi  
11 endoWrists?

12           A. We have engaged in process development,  
13 similar to what we did for the S and Si.

14           Q. Could you elaborate on what that process  
15 development involves?

16           A. Yes. We have engaged in all aspects of the  
17 development that would be required. So I can give you  
18 examples, maybe not be able to elaborate every single  
19 aspect of it -- that would be a long list.

20                       So, for example, testing, planning testing,  
21 defining what testing needs to take place, documenting  
22 procedures in draft forms and various things in  
23 preparation to do -- to execute the process. That  
24 would be a couple of examples. Obviously, it would  
25 require time and development and other kinds of things

1 we have engaged in.

2 Q. You said that the -- the complete list would  
3 be quite a long list of actions you've taken in that  
4 regard; is that right?

5 A. Yes. It tends to be a pretty long list;  
6 that's the type of thing that if you looked at the  
7 plan, it would have a fairly long list of to-do items,  
8 yes.

9 Q. Let me ask you a couple more, maybe a little  
10 more specific questions along that line.

11 Could you please describe Rebotix's ability  
12 to finance the business of repairing X and Xi  
13 endoWrists?

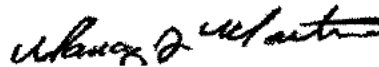
14 A. I actually couldn't because that's not my  
15 area to deal with. I don't deal directly with the  
16 financing of the projects. It's just not my role at  
17 Rebotix and hasn't ever been. So all I can say is  
18 what I can tell you from my perspective, but I can't  
19 describe the financing itself.

20 Q. Well, please tell me from your perspective  
21 regarding -- give me your perspective regarding  
22 Rebotix's ability to finance the business of repairing  
23 X and Xi endoWrists.

24 A. Well, I believe that it was impacted  
25 significantly by the actions that Intuitive took while

C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



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Nancy J. Martin, RMR, CSR

Dated: November 10, 2022

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